

CITY CLERK

CITY OF SAN JOSÉ, CALIFORNIA

Office of the City Clerk
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San José, California 95110
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STATE OF CALIFORNIA)
COUNTY OF SANTA CLARA)
CITY OF SAN JOSE)

I, Patricia L. O'Hearn, City Clerk and Ex-Officio Clerk of the Council of and for the City of San Jose, in said County of Santa Clara, and State of California, do hereby certify that "**Ordinance No. 26942**", the original copy of which is attached hereto, was passed for publication of title on the **24th day of June, 2003**, was published in accordance with the provisions of the Charter of the City of San Jose, and was given final reading and adopted on the **12th day of August, 2003**, by the following vote:

AYES: CAMPOS, CHAVEZ, CHIRCO, CORTESE, DANDO, GREGORY,
LeZOTTE, REED, WILLIAMS, YEAGER; GONZALES

NOES: NONE

ABSENT: NONE

DISQUALIFIED: NONE

VACANT: NONE

Said ordinance is effective as of **September 12, 2003**.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the corporate seal of the City of San Jose, this **13th day of August, 2003**.

(SEAL)

PATRICIA L. O'HEARN
CITY CLERK AND EX-OFFICIO
CLERK OF THE CITY COUNCIL
By: NANCY ALFORD, Asst. City Clerk

07/09/03csd

ORDINANCE NO. 26942

**AN ORDINANCE OF THE CITY OF SAN JOSE
ADDING A NEW SECTION 23.02.1220 TO CHAPTER
23.02 OF TITLE 23 OF THE SAN JOSE MUNICIPAL
CODE AND AMENDING SECTIONS 23.04.010,
23.04.020 AND 23.04.030 OF PART 1 OF CHAPTER
23.04 OF TITLE 23 TO ESTABLISH SIGNAGE
REGULATIONS FOR THE CAPITOL EXPRESSWAY
AUTO MALL SIGNAGE AREA**

WHEREAS, the City Council has reviewed, considered and approved information and conclusions contained in that certain Final Environmental Impact Report entitled "San José 2020 General Plan" (and adopted under Resolution No. 65459 on August 16, 1994 in connection therewith) and has considered that FEIR in connection with this proposed project under Public Project File No. PP 03-06-198, all prior to approving this Ordinance; and

WHEREAS, those certain parcels of real property located adjacent to and fronting along the Capitol Expressway in the City of San José between Almaden Expressway and the parcel boundary immediately west of and adjacent to State Highway 87 (the "Capitol Expressway Auto Mall Signage Area" or "Area"), enjoy unique land use characteristics in that all of these parcels within the Capitol Expressway Auto Mall Signage Area are uniformly used for one type of land use (automobile sales) without any intervening uses within that Area; and

WHEREAS, in addition to the uniformity of land uses within the Capitol Expressway Auto Mall Signage Area, the Area also enjoys a wide expanse of roadway with median landscaped islands and contains wide lots with deep setbacks; and

WHEREAS, uniform signage regulations in this unique Area would serve the City's overall goals of minimizing visual clutter and visual blight;

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF SAN JOSE:

SECTION 1. Part 3 of Chapter 23.02 is hereby amended by adding a new Section 23.02.1220 to be numbered and entitled and to read in its entirety as follows:

23.02.1220 Capitol Expressway Auto Mall Signage Area

Any legal nonconforming sign located on a parcel within the Capitol Expressway Auto Mall Signage Area, described in Section 23.04.010 of this Title, shall be brought into conformance with the applicable provisions of this Title prior to the erection or placement of any other sign on that parcel that comports with the signage allowed under the Capitol Expressway Auto Mall Signage Area regulations but not with the signage regulations applicable to commercial and industrial zoning districts generally.

SECTION 2. Section 23.04.010 of Part 1 of Chapter 23.04 of Title 23 of the San José Municipal Code is hereby amended to read in its entirety as follows:

23.04.010 Application

- A. This Part shall govern standards for signage for all nonresidential uses in the CO, CP, CN, and CG Commercial Zoning Districts; the IP, LI and HI Industrial Zoning Districts; the Neighborhood Business Districts, and the Capitol Expressway Auto Mall Signage Area.
- B. Signage for residential uses shall be governed by Part 4 of this Chapter.
- C. Standards for temporary signs shall be governed by Parts 7 and 8 of this Chapter.
- D. Legal nonconforming signs located within the Capitol Expressway Auto Mall Signage Area shall be governed by Section 23.02.1220 of Part 3 of Chapter 23.02 of this Title.
- E. For purposes of this Title, "Neighborhood Business District" shall mean any area so designated in the City General Plan.

- F. For purposes of this Title, "Capitol Expressway Auto Mall Signage Area" shall mean that certain area encompassing those real property parcels adjacent to and fronting along Capitol Expressway within the City between Almaden Expressway and the private parcel boundary immediately adjacent to and to the west of State Highway 87 on the south side of Capitol Expressway and between the Guadalupe River and approximately 1,300 feet east of the centerline of Pearl Avenue on the north side of Capitol Expressway.
- G. Parcels located in the Capitol Expressway Auto Mall Signage Area shall comply with the provisions of this Part applicable to parcels located in the CG Commercial General Zoning District, except as otherwise specifically provided for in this Part.

SECTION 3. Section 23.04.020 of Part 1 of Chapter 23.04 of Title 23 of the San José Municipal Code is hereby amended to read in its entirety as follows:

23.04.020 Attached Signs

A. Quantity.

1. No more than one sign shall be permitted for each separate ground-level occupancy frontage, except that:
 - a. Any ground-level occupancy with more than one occupancy frontage may have one attached sign on each occupancy frontage, not to exceed three frontages; and
 - b. Any ground-level occupancy exceeding twenty thousand (20,000) square feet may have up to three signs on one of its occupancy frontages and any ground-level occupancy exceeding fifty thousand (50,000) square feet may have up to five signs on one of its occupancy frontages.
 - c. Any building with a building footprint greater than one hundred thousand (100,000) square feet which has interior tenant spaces with no occupancy frontages may have up to five additional signs in addition to those set forth in Subsections a and b above.

- d. Parcels located entirely within the Capitol Expressway Auto Mall Signage Area may have an unlimited number of attached signs; provided, however, that the attached signs shall otherwise meet all of the other size, height and setback requirements of this Section, including, without limitation, that the aggregate sign area of all attached signs shall not exceed the size limitations set forth in this Section.
2. One sign shall be permitted for each second-story occupancy frontage with direct exterior access to the ground from the second story.
3. Exception: In the CO Commercial District, no more than one sign shall be permitted for each separate ground-level occupancy frontage, and no signage shall be permitted for second- or third-story occupancies.

B. Size.

1. The aggregate sign area of all attached signs on a ground-level occupancy frontage shall not exceed one square foot for each linear foot of such occupancy frontage to a maximum of three hundred (300) square feet per occupancy frontage.
2. Second- or third-story attached sign(s) shall be limited to one-half the first-floor sign area allowances.
3. The sum of the sign area of the attached signs on any building frontage shall not exceed one square foot for each linear foot of building frontage or the total number of occupancy frontages multiplied by three hundred (300) square feet, whichever is less.
4. Exception: In the CO Commercial District, the sum of the sign area of the attached signs for each ground-level occupancy frontage shall not exceed one square foot for each two linear feet of occupancy frontage to a maximum of eighty (80) square feet.

C. Height.

1. No attached sign shall be displayed higher than the finished floor elevation of the fourth floor of a building.
2. In Neighborhood Business Districts for buildings constructed prior to May 1, 1992, upward extensions of building facades that are sloped from the vertical plane at an angle no greater than sixty (60) degrees shall be treated as extensions of the wall of the building and not as roofs for purposes of signage regulation. A sign placed on such an

upward extension may not extend in height to within six inches of the highest point of the upward extension. Only permanent signs may be placed on such upward extensions.

D. Setbacks.

1. Signs facing an abutting residential parcel shall be at least fifty (50) feet from the property line of such residential parcel.
2. Signs facing an abutting nonresidential parcel shall be at least twenty-five (25) feet from the property line of such nonresidential parcel, unless the abutting nonresidential parcel contains a parking lot or driveway at its nearest point to the sign.

E. Other Provisions.

1. Additional Allowed Signage. The following additional signs shall be allowed and shall not reduce otherwise allowed signage.
 - a. Fin Signs.
 - (1) Fin signs shall be allowed that:
 - (a) Do not exceed six square feet in area per side;
 - (b) Project no more than two feet from the wall to which it is attached;
 - (c) Are located at least seven feet but not more than twelve feet above grade; and
 - (d) Are not illuminated or are illuminated by external lighting.
 - (2) Each ground-level occupancy frontage may have one such fin sign if such sign is located near its primary entryway and is subject to a master sign program.
 - (3) Exception.
 - (a) Fin signs shall not be allowed in the CO Commercial District.
 - (b) In Neighborhood Business Districts, fin signs may project more than two feet from the wall to which attached.
 - b. Awning Signs.

- (1) Awning signs are allowed that are limited to twenty-five (25) percent of the exterior surface of the awning up to a maximum of eight square feet.
- (2) Awning signs shall be located at least seven feet but not more than twelve feet above grade.
- (3) Awning signs shall not be illuminated.

c. Window Signs.

- (1) Window signs consistent with Section 23.02.1060 of this Title are allowed.
- (2) Window signs shall not be allowed above the first floor, except as follows:
 - (a) Window signs may be displayed by second-story occupancy frontages with no separate ground-level frontage.
 - (b) In Neighborhood Business Districts, window signs may be displayed on first- and second-story occupancy frontages.

2. Marquees.

- a. The maximum sign area of marquees and the maximum amount of other signage on an occupancy frontage with a marquee shall be subject to design approval and shall not be subject to other size and quantity restrictions in this part.
- b. Exception. Marquees shall not be allowed in the CO Commercial District and in the IP, LI, and HI Industrial Districts.

3. Lightbox Signs for Gasoline Service Stations.

- a. The signage allowed for lightbox signs for gasoline service stations shall be limited to twenty (20) percent of the surface area of the lightbox up to a maximum of eight square feet.
- b. Exception. Lightbox signs are not allowed in the CO Commercial District.

4. Skyline Signs; Roof Signs.

a. Applicability.

- (1) Buildings located in the area bounded by State Highway 87, US 101 and Interstate 880 that are eighty-five (85) feet or greater in height above grade may have either skyline signs or roof signs; and
- (2) Buildings located in the Julian-Stockton Redevelopment Area and not located in the Downtown Sign Zone that are eighty five (85) feet or greater in height above grade may have either skyline signs or roof signs; and
- (3) Buildings located in the area of the City north of US 101 and west of Interstate Highway 880 may have skyline signs on buildings less than eighty-five (85) feet in height, and skyline or roof signs on buildings eighty-five (85) feet or greater in height.
- (4) Non-garage uses on the top floor of parking garages located in the areas described in Subsections 4.a.(1) and (3) may have skyline signs.

b. Dimensions.

- (1) In the area bounded by State Highway 87, US 101 and Interstate 880:
 - (a) The total amount of square footage of sign area for all skyline signs or roof signs on buildings eighty-five (85) feet or greater in height above grade shall not exceed five hundred (500) square feet per building and any one such skyline sign or roof sign shall not be larger than two hundred fifty (250) square feet.
 - (b) The total amount of square footage of sign area for skyline signs for non-garage uses on the top floor of parking garages shall not exceed five hundred (500) square feet per building and any one such skyline sign shall not be larger than two hundred fifty (250) square feet.
- (2) In the area located in the Julian-Stockton Redevelopment Area that is not located in the Downtown Sign Zone:

- (a) The total amount of square footage of sign area for all skyline signs or roof signs on buildings eighty five (85) feet or greater in height above grade shall not exceed five hundred (500) square feet per building, and any one such skyline sign or roof sign shall not be larger than two hundred fifty (250) square feet; and
 - (b) Skyline or roof signs located on buildings within one thousand (1,000) feet of a public park, river or creek shall not directly face that public park, river or creek unless the skyline or roof sign would not be visible from that public park, river or creek; and
- (3) In the area of the City north of US 101 and west of Interstate Highway 880:
 - (a) The total amount of square footage of sign area for all skyline signs on buildings less than eighty-five (85) feet shall be limited in size to an area equal to one half (1/2) of the first floor sign area allowances.
 - (b) The total amount of square footage of sign area for all skyline signs or roof signs on buildings eighty-five (85) feet or greater in height above grade shall not exceed five hundred (500) square feet per building and any one such skyline sign or roof sign shall not be larger than two hundred fifty (250) square feet.
 - (c) The total amount of square footage of sign area for skyline signs for non-garage uses on the top floor of parking garages shall not exceed five hundred (500) square feet per building and any one such skyline sign shall not be larger than two hundred fifty (250) square feet.
- c. Quantity: A total of either two (2) skyline signs or two (2) roof signs are allowed per building.
- d. There shall not be both a skyline sign and a roof sign on the same building or on connected buildings.
- e. Each skyline sign or roof sign shall be designed as an integral part of the building design and placed on a permanent architectural element which has been designed to accommodate it.

- f. Skyline signs and roof signs may be illuminated with external lighting; halolighting; and internal lighting if only the letters or symbols are illuminated. Such signs shall be illuminated only with continuous lighting except that gradual color changes shall be allowed if there is no perception of flashing lights created.
- g. Skyline signs and roof signs on buildings eighty-five (85) feet or greater in height above grade shall not reduce otherwise allowable signage for the building.

SECTION 4. Section 23.04.030 of Part 1 of Chapter 23.04 of Title 23 of the San José Municipal Code is hereby amended to read in its entirety as follows:

23.04.030 Free-Standing Signs

A. Quantity.

- 1. One free-standing sign shall be allowed on a parcel for each street frontage of the parcel which measures one hundred (100) linear feet or more in length, except that:
 - a. Parcels entirely located within the Capitol Expressway Auto Mall Signage Area may have one (1) free-standing sign per parcel, plus one (1) additional free-standing sign for each automobile manufacturer sold on that parcel up to a maximum of two such (2) additional free-standing signs, such that the total number of free-standing signs allowed on the parcel shall not exceed three (3) free-standing signs.
- 2. For corner parcels, no more than one free-standing sign shall be located within one hundred feet of the corner intersection.
- 3. Exception: In addition to the signs authorized by Subsection 1 above, in the IP, LI, and HI Industrial Districts, parcels with more than five hundred (500) linear feet of street frontage may have one additional free-standing sign for each five hundred (500) linear feet of street frontage beyond the initial five hundred (500) feet of street frontage. Such sign shall be not more than twenty (20) square feet in sign area and six feet in height.

B. Size.

1. The aggregate sign area of all free-standing signs on a parcel shall not exceed a total area equal to one square foot per each five linear feet of street frontage of the parcel.
2. No free-standing sign shall have an area in excess of one hundred twenty (120) square feet.
3. A free-standing sign shall have a maximum sign area of forty (40) square feet when facing streets smaller than an arterial street as designated on the land use/transportation diagram of the General Plan.
4. Any corner sign on a corner parcel which borders streets of unequal width shall be deemed to face the street with the greatest number of moving lanes for the purposes of determining the maximum permissible area for the sign.
5. Exceptions.
 - a. In the CO Commercial District, the sum of the sign areas of all free-standing signs on a parcel shall not exceed a total sign area equal to one square foot per each ten linear feet of street frontage of the parcel. The maximum sign area for any free-standing sign in the CO Commercial District shall not exceed thirty-two (32) square feet.
 - b. In the IP, LI, and HI Industrial Districts, the maximum sign area for a free-standing sign shall be forty (40) square feet.
 - c. For parcels located entirely within the Capitol Expressway Auto Mall Signage Area, one allowed (1) free-standing sign on a parcel shall not exceed a maximum sign area of one hundred twenty (120) square feet and any remaining allowed free-standing sign on a parcel shall not exceed a maximum sign area of fifty (50) feet.

C. Height.

1. The maximum height of a free-standing sign shall be the square footage of the sign area divided by four. However, in no event shall the height of any sign exceed twenty feet.

2. Exceptions.

- a. In the CO Commercial District, the height of any free-standing sign shall not exceed eight feet.
- b. For parcels located entirely within the Capitol Expressway Auto Mall Signage Area, the maximum height of one (1) free-standing sign on a parcel shall not exceed twenty-five (25) feet and the maximum height of any other allowed free-standing sign on the parcel shall not exceed nine (9) feet.

D. Setbacks.

1. The required front setback of a free-standing sign on a parcel shall be the sign height minus four feet, multiplied by two, or four feet, whichever is greater.
2. Exceptions.
 - a. In the CO Commercial District, the required setback of a free-standing sign shall be the sign height minus two feet, multiplied by two, or four feet, whichever is greater.
 - b. For parcels located entirely within the Capitol Expressway Auto Mall Signage Area, the required front setback of any free-standing sign on the parcel shall be a minimum of four (4) feet.
3. Each free-standing sign shall be located at least twenty-five (25) feet from the side and rear property lines of the parcel.

E. Other Provisions.

1. Segmented Signs.

- a. A free-standing sign that is a segmented sign may not have more than four segments.
- b. Exception: Free-standing segmented signs are not allowed in the CO Commercial District.

2. Landscaping. All free-standing signs shall be located fully within a landscaped area extending from the supporting structure of the sign to a point on all sides that is at least four feet from vertical lines drawn from the outer edges of the sign. For purposes of this provision, "landscaped area" shall mean an area containing live plant material

including, but not limited to, ground cover, shrubs, grass and trees.

3. Time and Temperature Signs.

- a. Any otherwise allowed free-standing sign may include a time and temperature sign not exceeding fifteen square feet in sign area.
- b. A time and temperature sign not exceeding fifteen square feet in sign area, excluding any frame, may be located on the primary building on a parcel.
- c. Any time and temperature sign meeting the requirements of Subsection a or b above shall not reduce otherwise allowable signage.

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F. Multiple Parcels Subject to a Single Development Permit.

Where more than one parcel is subject to a single development permit issued pursuant to Chapter 20.100, the term "parcel" as used in this section shall mean the entire site covered by the single development permit.

PASSED FOR PUBLICATION of title this 24th day of June, 2003, by the following vote:

AYES: CAMPOS, CHAVEZ, CHIRCO, CORTESE, DANDO,
GREGORY, LeZOTTE, REED, WILLIAMS, YEAGER;
GONZALES

NOES: NONE

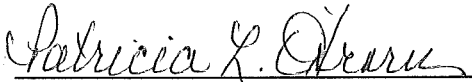
ABSENT: NONE

DISQUALIFIED: NONE



RON GONZALES
Mayor

ATTEST:



PATRICIA L. O' HEARN
City Clerk

SAN JOSE POST-RECORD

~ SINCE 1910 ~

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BILL CARTER
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PROOF OF PUBLICATION

(2015.5 C.C.P.)

State of California)
County of Santa Clara) ss

Notice Type: GORSJ SAN JOSE ORDINANCE (1 PUB)

Ad Description: ORDINANCE #26942

I am a citizen of the United States; I am over the age of eighteen years, and not a party to or interested in the above entitled matter. I am the principal clerk of the printer and publisher of the SAN JOSE POST-RECORD, a newspaper published in the English language in the City of San Jose, and adjudged a newspaper of general circulation as defined by the laws of the State of California by the Superior Court of the County of Santa Clara, State of California, under date of February 3, 1922, Case No. 27,844. That the notice, of which the annexed is a printed copy, has been published in each regular and entire issue of said newspaper and not in any supplement thereof on the following dates, to-wit:

07/29/03

Executed on: 07/29/2003
At Los Angeles, California

I certify (or declare) under penalty of perjury that the foregoing is true and correct.


Signature

This space for filing stamp only

SJ#: 561115

ORDINANCE NO. 26942
AN ORDINANCE OF THE CITY OF SAN JOSE ADDING A NEW SECTION 23.02.1220 TO CHAPTER 23.02 OF TITLE 23 OF THE SAN JOSE MUNICIPAL CODE AND AMENDING SECTIONS 23.04.010, 23.04.020 AND 23.04.030 OF PART 1 OF CHAPTER 23.04 OF TITLE 23 TO ESTABLISH SIGNAGE REGULATIONS FOR THE CAPITOL EXPRESSWAY AUTO MALL SIGNAGE AREA.
PASSED FOR PUBLICATION of title this 24th day of June, 2003, by the following vote:
AYES: AYES: CAMPOS, CHAVEZ, CHIRCO, CORTESE, DANDO, GREGORY, LEZOTTE, REED, WILLIAMS, YEAGER; GONZALES
NOES: NONE
ABSENT: NONE
DISQUALIFIED: NONE
RON GONZALES, Mayor
ATTEST
PATRICIA L. O'HEARN, City Clerk
07/29/03

SJ-561115#

2003 JUN -1 A 11:10

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